

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SDS LUMBER CO.,

Petitioner,

v.

KEVIN GREGORY, and JACOB GREGORY,

Claimants.

IN ADMIRALTY

NO. 3:20-cv-05767-MJP

UNOPPOSED MOTION AND ORDER
FOR ISSUANCE OF AMENDED
MONITION AND CLERK'S
CITATION

**NOTE ON MOTION CALENDAR:
January 15, 2021**

Pursuant to LCR 7(d)(1) and Rule F(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure the Petitioner SDS Lumber Co., by and through its undersigned counsel, requests the Court issue an Amended Monition and publication therefor and an Amended Clerk's Citation to U.S. Marshal.

The Court initially issued the Monition and Clerk's Citation to U.S. Marshal following the filing of the original Complaint. See Dkts. #1, 10, and 11. Subsequently, the Court issued an Order Granting Petitioner's Motion for Leave to Amend Complaint (Dkt. #29). Petitioner subsequently filed its Amended Complaint (Dkt. #30).

Following the filing of the Amended Complaint, SDS Lumber Co. now respectfully requests that the Court issue an order directing the Clerk to issue the attached Amended Monition, and notice and publication thereof, and an Amended Clerk's Citation to U.S. Marshal against all persons claiming damages for any damage, loss, or injury of person or

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property arising or resulting from the collision described in the amended complaint, citing them and requiring each of them to file their respective claims with the Clerk of this Court and to serve on or mail to the attorneys for S.D.S. Lumber Co., Matthew C. Crane and Meliha Jusupovic, Bauer Moynihan & Johnson LLP, 2101 Fourth Avenue, Suite 2400, Seattle, Washington 98121, a copy thereof before or on the return date specified in said Amended Motion being a date not less than thirty (30) days after the issuance of said Amended Motion unless for cause shown the return date is deferred by order of this Court.

SDS Lumber Co. requests that public notice of the Amended Motion be given by the United States Marshal by publication of such notice once each week for four (4) consecutive weeks before the return date in the Seattle Daily Journal of Commerce as prescribed by Rule F of the Federal Rules of Civil Procedure Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and LAR 150.

Dated this 15th day of January, 2021.

BAUER MOYNIHAN & JOHNSON LLP

/s/ Matthew C. Crane
Matthew C. Crane, WSBA No. 18003

/s/ Meliha Jusupovic
Meliha Jusupovic, WSBA No. 54024

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Attorneys for Petitioner S.D.S. Lumber Co.

ORDER

SDS Lumber Co.'s unopposed Motion, above, is hereby granted. It is hereby ordered that:

1. the Clerk of Court is directed to issue the attached Amended Monition against all persons claiming damages for any damage, loss, or injury of person or property arising or resulting from the collision described in the amended complaint, citing them and requiring each of them to file their respective claims with the Clerk of this Court and to serve on or mail to the attorneys for S.D.S. Lumber Co., Matthew C. Crane and Meliha Jusupovic, Bauer Moynihan & Johnson LLP, 2101 Fourth Avenue, Suite 2400, Seattle, Washington 98121, a copy thereof before or on the return date specified in said Monition being a date not less than thirty (30) days after the issuance of said Monition unless for cause shown the return date is deferred by order of this Court;

2. the Clerk of Court is directed to issue the attached Clerk's Citation to U.S. Marshal to Issue Notice of Exoneration or Limitation Proceedings;

3. a public notice of the Monition shall be given by the United States Marshal by publication of such notice once each week for four (4) consecutive weeks before the return date in the Seattle Daily Journal of Commerce as prescribed by Rule F of the Federal Rules of Civil Procedure Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and LAR 150.

Dated this 19th day of January, 2021.



Marsha J. Pechman
United States Senior District Judge

Presented by:

BAUER MOYNIHAN & JOHNSON LLP

s/ Matthew C. Crane

Matthew C. Crane, WSBA No. 18003

s/ Meliha Jusupovic

Meliha Jusupovic, WSBA No. 54024

Attorneys for Petitioner SDS Lumber Co.